

Testa Heck Testa & White, P.A.
Attorney ID#020251975
424 Landis Avenue
Vineland, NJ 08360
(856) 691-2300
Attorney for Plaintiff

FRANK CARMAN, as Administrator of : SUPERIOR COURT OF NEW JERSEY
the ESTATE OF BARBARA CARMAN, : LAW DIVISION
deceased : ATLANTIC COUNTY

Plaintiff : Docket No: ATL-L-2184-21

vs. :

CIVIL ACTION

ANONGNART MALNIC, CHANYAPAT : SUMMONS
THANASUKSRIBOON, :
AMAZON.COM, INC., ABC :
CORPORATIONS 1 through 10, :
(fictitious names), JOHN DOES 1 through :
5, (fictitious names), XYZ :
CORPORATIONS 1 through 10, :
(fictitious names), and RICHARD ROES :
1 through 5, (fictitious names), jointly, :
severally, and, in the alternative, :

Defendant :

THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT(S):

AMAZON.COM, INC.

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and on line at http://www.judiciary.state.nj.us/prosec/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your

rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

/s/ Michelle M. Smith

DATED: August 5, 2021

Michelle M. Smith, Clerk, Superior Court

Name of defendant to be served:

Amazon.Com, Inc.

Address for service:

c/o Corporation Service Company

Registered Agent

MC-CSC1

300 Deschutes Way SW, Suite 208

Tumwater, WA 98501

Atlantic County

Lori Mooney, Clerk
Civil Div., Direct Filing
1201 Bacharach Blvd.
First Floor
Atlantic City, NJ 08401
Lawyers Referral
609-345-3444
Legal Services
609-348-4200

Cumberland County

Gloria Noto, Clerk
Court House, Direct Filing
Broad & Fayette Sts.
Bridgeton, NJ 08302
Lawyer Referral
856-692-6207
Legal Services
856-451-0003/935-8024
201-624-4500

Mercer County

Albert E. Driver, Jr., Clk
PO Box 8068
209 South Broad St.
Trenton, NJ 086350
Lawyer Referral
609-989-8880
Legal Services
609-695-6249

Bergen County

Kathleen A. Donovan, Clk
119 Justic Cr, 10 Main St.
Hackensack, NJ 07601-7698
Lawyer Services
201-488-0044
Legal Services
201-487-2166

Essex County

Pat McGarry Drake, Clk
236 Hall of Records
465 Dr. Martin Luther King
Jr. Blvd.
Newark, NJ 07102
Lawyer Referral
201-533-1779
Legal Services
201-624-4500

Middlesex County

Herbert P. Lashomb, Clk
Court House, East Wing
1 Kennedy Square
PO Box 2633
New Brunswick, NJ
Lawyer Referral
908-828-0053
Legal Services
908-249-7600

Burlington County

Edward A. Kelly, Jr. Clk
First Fl, Courts Fac.
49 Rancocas Road
Mt. Holly, NJ 08060
Lawyer Referral
609-261-4862
Legal Services
609-261-1088

Gloucester County

Joseph H. Hoffman, Clk
First Flr, Court House
1 N. Broad St, PO Box 129
Woodbury, NJ 08096
Lawyer Referral
856-848-4589
Legal Services
856-848-5360

Monmouth County

Jane Clayton, Clk
PO Box 1262
Court House, East Wing
Freehold, NJ 07728-1262
Lawyer Referral
908-431-5544
Legal Services
908-747-7400

Camden County

Michael S. Keating, Clk
1st Fl. Hall of Records
501 Fifth Street
Camden, NJ 08103
Lawyer Referral
609-964-4520
Legal Services
609-964-2020

Hudson County

Frank E. Rodgers, Clerk
Superior Crt. Civil Records
Brennan Court House
583 Newark Avenue
Lawyer Referral
201-798-2727

Morris County

Alfonse W. Scerbo, Clk
Cn-900
30 Schuyler Place
Morristown, NJ 07960
Lawyer Referral
201-267-5882
Legal Services
201-285-6911

Cape May County

Angela F. Pulvino, Clk
(Law Division Filings)
Box DN 209
Cape May CH, NJ 08210
Or (Genral Equity Filings)
Box DN-209A
Cape May, CH, NJ 08210
Lawyer Referral
609-463-0313
Legal Services
609-465-3001

Hunterdon County

Dorothy K. Tirpok, Clk
Hall of Records
71 Main Street
Flemington, NJ 08822
Lawyer Referral
609-788-6112
Legal Services
609-782-7979

Ocean County

M. Dean Haines, Clk
119 court House
CN-2191
Toms River, NJ 08754
Lawyer Referral
908-240-3666
Legal Services
908-341-2727

Passaic County

William L. Kattak, Clk
Court House
77 Hamilton St.
Paterson, NJ 07505

Lawyer Referral

201-278-9223

Legal Services

201-345-7171

Salem County

John W. Cawman, Clerk
92 Market St., PO Box 18
Salem, NJ 08079

Lawyer Referral

609-678-8363

Legal Services

856-451-0003

Somerset County

R. Peter Widin, Clerk
Civil/General Equity
New Court House, 3rd Fl
PO Box 300 3000
Somerville, NJ 08876

Lawyer Referral

908-685-2323

Legal Services

908-231-0840

Sussex County

Helen C. Ackerman, Clk
Superior Crt, Law Div.
49 High Street
Newton, NJ 07860

201-267-5882

Legal Services

201-383-7400

Union County

Walter G. Halpin, Clk
1st Flr, Court House
Elizabeth, NJ 07207

Lawyer Referral

908-353-4715

Legal Services

908-354-4340

Warren County

Terrance D. Lee, Clk
Court House
Belvidere, NJ 07823

Lawyer Referral

201-267-5882

Legal Services

908-475-2010

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A Professional Corporation

Counselors at Law

424 LANDIS AVENUE

VINELAND, NEW JERSEY 03860-8198

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 Attorney ID#020251975
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 Attorney for Plaintiff

FRANK CARMAN, as Administrator of : SUPERIOR COURT OF NEW JERSEY
 the ESTATE OF BARBARA CARMAN, : LAW DIVISION
 deceased : ATLANTIC COUNTY

Plaintiff : Docket No:

vs.

CIVIL ACTION

ANONGNART MALNIC, : COMPLAINT, JURY DEMAND
 CHANYAPAT THANASUKSRIBOON, : AND DESIGNATION OF
 AMAZON.COM, INC., ABC : TRIAL COUNSEL
 CORPORATIONS 1 through 10, :
 (fictitious names), JOHN DOES 1 :
 through 5, (fictitious names), XYZ :
 CORPORATIONS 1 through 10, :
 (fictitious names), and RICHARD ROES :
 1 through 5, (fictitious names), jointly, :
 severally, and, in the alternative, :

Defendant

The plaintiff, Frank Carman, Administrator of the Estate of Barbara Carman, deceased, residing 3389 Mud Mill Road, in the City of Camden/Wyoming, County of Kent, State of Delaware, by way of Complaint against the defendants say:

FIRST COUNT

1. Plaintiffs, Frank Carman, husband of the late Barbara Carman, was duly appointed by the Surrogate of Atlantic County as Administrator of the Estate of Barbara Carman on October 15, 2020.

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2. The accident upon which this Complaint is founded occurred on or about August 23, 2020 at approximately 4:47 p.m. at the intersection of U.S. Highway 40 and County Road 671, in the City of Bridgeton, County of Cumberland, and State of New Jersey.

3. At that time and place, Barbara Carman, deceased, was the passenger in a vehicle owned and operator by Jadwiga Taylor, which was traveling in a general easterly direction on U.S. Highway 40 as aforementioned.

4. At the time and place aforesaid, Defendant Anongnart Malnic was operating a vehicle owned by Defendant Chanyapat Thanasuksriboon. Defendant, Anongnart Malnic was acting as the agent, servant or employee of the owner of the vehicle, Defendant Chanyapat Thanasuksriboon, who is vicariously liable for said Defendant Anongnart Malnic's actions.

5. At the time and place aforesaid, Defendant, Anongnart Malnic was acting as the agent, servant or employee of Defendant Amazon.com, Inc. who is vicariously liable for said Defendant Anongnart Malnic's actions. Defendant, Anongnart Malnic, while in the course of her employment for Defendant, Amazon.com, Inc., was the operator of a vehicle owned by Defendant Chanyapat Thanasuksriboon who was stopped a stop sign facing northerly at County Road 671. Defendant Anongnart Malnic entered the intersection thus striking the passenger side of the motor vehicle operated by Jadwiga Taylor in which the plaintiff was a passenger.

6. Plaintiff alleges that an insufficient amount of time has elapsed within which to determine the identity(ies) of any other individuals and/or business entities who may be responsible in whole or in part for the accident described herein. For the purposes of the within Complaint, said individual(s)/business entity(ies) have been designated as

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John Does I-V, and ABC/XYZ Corporations, j.s.a., as any other owner, operator, lessee, lessor, as well as any party responsible for the repair and/or maintenance of the vehicle involved in said motor vehicle accident and any establishment or individuals licensed to serve alcoholic beverages. If and when the proper names of said individuals/business entities become known, the proper names will be inserted herein and the Complaint amended accordingly.

7. Plaintiff's decedent Barbara Carman died on August 23, 2020 as a result of the injuries she sustained in this accident, which is the subject of this action.

8. Said collision was the proximate result of the negligence of the defendant, Anongnart Malnic, who was negligent in that she carelessly and recklessly operated the vehicle that she was driving and without notice, warning or signal of any kind, proceeded through a stop sign thus colliding with the vehicle operated by Jadwiga Taylor in which Barbara Carman, deceased was a passenger in. Defendant, Anongnart Malnic, was further negligent in that she:

- a) failed to approach said intersection with the care and caution demanded by the conditions of the highway and without due regard for the rights of other users of the highway;
- b) failed to maintain a proper lookout at all times;
- c) failed to keep said vehicle under safe and proper control at all times;
- d) failed to give proper and adequate warning of her intentions;
- e) failed to apply her brakes and sound her horn at a proper time;
- f) was traveling at an excessive rate of speed for the road conditions;
- g) failed to avoid an accident;

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- h) disregard the rights of others;
- i) failed to obey a stop sign;
- j) was otherwise careless and negligent.

9. As a direct and proximate result of defendants, Anongnart Malnic, Chanyapat Thanasuksriboon, Amazon.com, Inc., John Does I-V, and ABC/XYZ Corporations j.s.a., negligence as aforesaid, Plaintiffs' decedent, Barbara Carman, suffered fatal injuries as a result of the motor vehicle accident which occurred on August 23, 2020.

WHEREFORE, Plaintiffs, Frank Carman, Administrator of the Estate of Barbara Carman, deceased, demands judgment against defendants, Anongnart Malnic, Chanyapat Thanasuksriboon, Amazon.com, Inc., John Does I-V, and ABC/XYZ Corporations j.s.a, for such sums as will reasonably and properly compensate the Estate of Barbara Carman, in accordance with the laws of the State of New Jersey, for damages, interest, attorney's fees and costs of suit.

SECOND COUNT

1. Plaintiff hereby repeats all of the paragraphs of the previous Count and same are incorporated herein by reference and made a part hereof in lieu of repetition.
2. There is, and at the time of this incident, was in full force and effect in the State of New Jersey a survival action statute known and designated as N.J.S.A. 2A:15-3, and Plaintiff brings this action pursuant to the provisions thereof for the benefit of the Estate of Barbara Carman.
3. In addition, there is, and at the time of the accident, there was, in full force and effect in the State of New Jersey a wrongful death statute known and designated as N.J.S.A.

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2A:31-1 through 6, and Plaintiff hereby brings this action pursuant to the provisions of said statute, for the benefit of the next of kin of the decedent, Barbara Carman, which next of kin were pecuniarily dependent upon said Barbara Carman.

4. This action has been instituted within two years of the date of death of the decedent, Barbara Carman, pursuant to N.J.S.A. 2A:31-1, et seq.. Plaintiff is qualified as Administrator of the Estate of Barbara Carman and is thereby authorized to commence this action.

WHEREFORE, Plaintiff, Frank Carman, Administrator of the Estate of Barbara Carman, deceased, demands judgment against defendants, Anongnart Malnic, Chanyapat Thanasuksriboon, Amazon.com, Inc., John Does I-V, and ABC/XYZ Corporations j.s.a, for such sums as will reasonably and properly compensate the Estate of Barbara Carman, in accordance with the laws of the State of New Jersey, together with interests, attorney's fees and costs of suit.

THIRD COUNT

1. Plaintiff repeats each and every paragraph of the First and Second Counts and make them paragraph one of this Count as if recited herein at length.
2. Defendants, Chanyapat Thanasuksriboon, Amazon.com, Inc., John Does I-V, and ABC/XYZ Corporations j.s.a, owed a duty to the travelling public to ensure that the vehicle driven by defendant, Anongnart Malnic, at the time and place aforesaid, was in proper operating condition.
3. The defendants aforesaid were careless, reckless and negligent in failing to take proper precautions to insure that the vehicle in question was safe for road operation.

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4. The aforesaid acts and/or omissions of said defendants constituted willful and wanton conduct and reckless disregard for the safety and life of Plaintiff's decedent.

5. As a direct and proximate result of the negligence, carelessness and recklessness of Defendants as aforesaid, Plaintiff, Frank Carman as Administrator of the Estate of Barbara Carman, deceased, was caused great pain, suffering, and mental anguish, incurred medical expenses, funeral expenses and internment expenses to his great loss and detriment.

WHEREFORE, Plaintiff, Frank Carman, Administrator of the Estate of Barbara Carman, deceased, demands judgment against Defendants, Anongnart Malnic, Chanyapat Thanasuksriboon, Amazon.com, Inc., John Does I-V, and ABC/XYZ Corporations j.s.a., for compensatory and punitive damages, pre-judgment interest, post judgment interest, attorney's fees and costs of suit.

FOURTH COUNT

1. Plaintiff repeat each and every paragraph of the First, Second and Third Counts and make them paragraph one of this Count as if recited herein at length.

2. Defendants, Anongnart Malnic, Chanyapat Thanasuksriboon, Amazon.com, Inc., John Does I-V, and ABC/XYZ Corporations j.s.a, owed a duty to the travelling public to ensure that the vehicle driven by defendant, Anongnart Malnic, at the time and place aforesaid, was in proper operating condition.

3. The defendants aforesaid were careless, reckless and negligent in failing to take proper precautions to insure that the vehicle in question was safe for road operation.

4. The aforesaid acts and/or omissions of said defendants constituted willful and wanton conduct and reckless disregard for the safety and life of Plaintiff's decedent.

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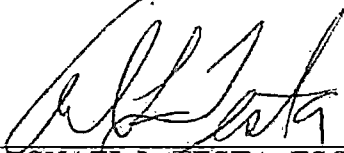
VINELAND, NEW JERSEY 03860-8198

5. As a direct and proximate result of the negligence, carelessness and recklessness of Defendants as aforesaid, Plaintiff, Frank Carman, was caused great pain, suffering, and mental anguish, incurred medical expenses, funeral expenses and internment expenses to his great loss and detriment.

WHEREFORE, Plaintiff, Frank Carman, Administrator of the Estate of Barbara Carman, deceased, demands judgment against Defendants, Anongnart Malnic, Chanyapat Thanasuksriboon, Amazon.com, Inc., John Does I-V, and ABC/XYZ Corporations j.s.a., for compensatory and punitive damages, pre-judgment interest, post judgment interest, attorney's fees and costs of suit.

DATED: July 12, 2021

TESTA HECK TESTA & WHITE, P.A.


MICHAEL L. TESTA, ESQUIRE
Attorney for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in accordance with the Rules of Civil Practice.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Michael L. Testa, Esquire, is hereby designated as trial counsel in the above-captioned litigation on behalf of Plaintiff, Frank Carman, Administrator of the Estate of Barbara Carman, deceased.


DEMAND FOR ANSWERS TO UNIFORM INTERROGATORIES

Plaintiff hereby demands answers to Uniform C and C(1) interrogatories pursuant to R.4:17-1.

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DATED: July 12, 2021

TESTA HECK TESTA & WHITE, P.A.



MICHAEL L. TESTA, ESQUIRE
Attorney for Plaintiffs

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CERTIFICATION PURSUANT TO 4:5-1

I, Michael L. Testa, Esquire, an attorney at law of the State of New Jersey and a member of the law firm of TESTA, HECK, TESTA & WHITE, P.A., certify as follows:

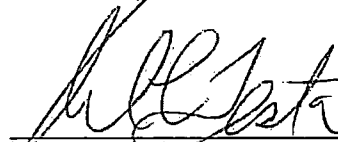
1. I am not aware of any other action pending in any Court or of a pending or contemplated arbitration proceeding regarding the matters in controversy in this civil action.

2. I am not aware of the names of any other person or prospective parties who should be joined in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

DATED: July 12, 2021

TESTA HECK TESTA & WHITE, P.A.



MICHAEL L. TESTA, ESQUIRE
Attorney for Plaintiffs

Civil Case Information Statement

Case Details: ATLANTIC | Civil Part Docket# L-002184-21

Case Caption: CARMAN FRANK VS MALNIC
ANONGNART

Case Initiation Date: 07/12/2021

Attorney Name: MICHAEL L TESTA

Firm Name: TESTA HECK TESTA & WHITE, PA

Address: 424 LANDIS AVE P.O. BOX 749

VINELAND NJ 083620749

Phone: 8566912300

Name of Party: PLAINTIFF : Carman, Frank

Name of Defendant's Primary Insurance Company

(if known): ZURICH AMERICAN INS CO ILLINOI

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (NON-
VERBAL THRESHOLD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

Are sexual abuse claims alleged by: Frank Carman? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

07/12/2021

Dated

/s/ MICHAEL L TESTA

Signed